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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/982,337
Filing Date: October 18, 2001
Appellant(s): OUZTS ET AL.

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Monplaisir Hamilton (Reg. No. 54,851)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8-17-2007 and supplementary Summary of

Claimed Subject Matter filed 11-13-2008 appealing from the Office action mailed 1-16-

2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,586,237	Baecker et al.	12-1996
6,545,687	Scott et al.	4-2003
6,947,959	Gill	9-2005
5,680,558	Hatanaka et al.	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 9 –12, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker, Scott et al.,

Patent #6,545,687, hereinafter Scott, and Gill, Patent #6,947,959.

10.   With regard to claims 9 and 15, which teaches a method in a computer system

for displaying a collection of content items within a container, comprising: displaying a

background appearance for the collection of content items, Baecker teaches, in column

6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of

particular documents in a frame, where the folder, as shown in figure 6, is known in the

art to comprise a background appearance. With regard to claims 9 and 15, which

further teach displaying a graphical previews for items on the outer appearance of the
container, if the collection can be graphically represented, Baecker teaches, in column
6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, generating
scaled down representations of the available items. With regard to claim 15, further
teaching enabling a computer user to more easily identify the contents of the container
without opening the container, Baecker teaches, in column 6, line 53 through column 7,
line 29 and in figure 6, the representations being viewable without opening the files.
Baecker teaches showing icons on the outer appearance, of an insider representation of
an icon, but doesn't specifically teach (or at least as clearly as the supplemental
reference) teach displaying an icon on the outside of a representation of a folder,
displaying items "without displaying the collection of content items", displaying a textual
message in addition to the background appearance and the graphical preview, or
sorting the content items.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in
a grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15),
similar to that of Baecker, but further teaches that the graphical previews, even if they
contain further groupings, are still represented by a further grouping or thumbnails
which can be accessed to view only that particular subset of items (as opposed to an
entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of
elements having textual messages associated with them (see column 13, lines 35-67
and figures 14 and 15). It would have been obvious to one of ordinary skill in the art,
having the teachings of Baecker and Scott before him at the time the invention was

made to modify thumbnail display of Baecker to include the sub-group thumbnail

representations, as did Scott. One would have been motivated to make such a

combination because this provides the user with a depiction of the items all through the

hierarchical arrangement without the need for drilling (though they can if desired to

focus in). Baecker and Scott, however, don't teach selecting the items to appear based

on a sort criteria, wherein the sort criteria selects the items based upon those which

were most recently modified in some way.

Gill teaches system used for displaying a plurality of thumbnails on a background

appearance, similar to that of Baecker and Scott (see column 2, line 39 through column

3, line 40 and figure 20), but further teaches selectively displaying the thumbnails based

on a sort criteria specified in a header file, wherein the sort can be based on the last

date of modification of a file (see column 16, lines 12-14, column 17, lines 18-25 and

column 18, lines 13-16 and figure 20). It would have been obvious to one of ordinary

skill in the art, having the teachings of Baecker, Scott, and Gil before him at the time the

invention was made to modify the hierarchal thumbnail displays that extract thumbnails

from images of Baecker and Scott to have ability to sort elements, as did Gil. One

would have been motivated to make such a combination because the process of sorting

a list of elements is a well known in the art means of limiting/organizing a list to highlight

the desired elements.

11.   With regard to claim 10, which teaches the container being a folder and the

background appearance being that of a closed folder, Baecker further teaches, in

column 4, lines 20-25 and in figure 6, the generated image being a scaled down replica

of the actual document and being displayed on the folder, where the folder, as shown in

figure 6, is known in the art to comprise a background appearance. Furthermore Scott

further teaches an embodiment where the image for the represented file is displayed on

the outside of a graphical representation of a folder (see figures 14 and 15).

12.   With regard to claim 11, which teaches the container being a folder and the

background appearance being that of a photo album, Baecker further teaches, in

column 4, lines 20-25, column 7, lines 21-29, and in figure 6, the generated image being

a scaled down replica of the actual document and being displayed on the folder, and the

images being able to be graphical images (pictures). Furthermore Scott further teaches

an embodiment where the image for the represented file is displayed on the outside of a

graphical representation of a folder (see figures 14 and 15).

13.   With regard to claim 12, which teaches at least one graphical preview being a

preview of a electronic picture contained in the folder, Baecker further teaches, in

column 6, lines 53 through column 7, line 29, a preview representing a graphic

document in a folder.

15.   With regard to claim 18, which teaches the graphical preview being a pictorial

representation of one or more images associated with the at least one of the content

items, Baecker teaches the graphical previews representing the actual content of the

objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation

showing reduced size images of the actual content (see column 13, lines 35-67, column

7, lines 28-64, and figures 14 and 15).

16.   With regard to claim 19, which teaches the graphical preview being a pictorial representation of one or more images associated with the at least one item, Baecker teaches the graphical previews representing the actual content of the objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation showing reduced size images of the actual content (see column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

17.   Claims 1, 5-7, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker et al., Patent #5,586,237, hereinafter Baecker , Scott et al., Patent #6,545,687, hereinafter Scott, Gill Patent #6,947,959, and Hatanaka et al., Patent #5,680,558, hereinafter Hatanaka.

18.   With regard to claims 1 and 16, which teach a method of use on a computer having a graphical operating environment, comprising: providing a collection of items within a container, the container having a outer appearance, Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6, representing the actual contents of particular documents in a frame. With regard to claim 1, which further teaches displaying a graphical previews for the selected items on the outer appearance of the container, Baecker teaches, in column 6, line 53 through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being represented by a scaled down representation of the item shown on the folder. With regard to claims 1 and 16, which further teach locating the graphical previews on the outer appearance in a desired location, Baecker teaches, in column 6, lines 63-66 and in figure 6, showing preview

icons on the outer appearance, of an inside representation of an icon, in the

corresponding location, for each icon contained in the folder. With regard to claims 1

and 16, further teaching enabling a computer user to more easily identify the contents of

the container without opening the container, Baecker teaches, in column 6, line 53

through column 7, line 29 and in figure 6, the representations being viewable without

opening the files. With regard to claims 1 and 16, which teach, enumerating the items

that exist within the container, Baecker teaches, in column 7, lines 2-9, keeping

numbers regarding the number of icons displayed and the number of icons displayable.

With regard to claims 1 and 16, further teaching, determining whether a graphical

preview can be generated for each enumerated item, and generating a list of items for

which a graphical preview can be generated, Baecker further teaches, in column 7, lines

41-59 and column 4, line 63 through column 5, line 7, generating a preview from the

available images and storing them in memory for use by other folders. Baecker teaches

showing icons on the outer appearance, of an insider representation of an icon, but

doesn't specifically teach (or at least as clearly as the supplemental reference) teach

displaying an icon on the outside of a representation of a folder, displaying items

"without displaying the collection of content items", or displaying a textual message in

addition to the background appearance and the graphical preview.

Scott teaches a system that displays a hierarchy of thumbnails encompassed in

a grouping (see column 13, lines 35-67, column 2, lines 62-67, and figures 14 and 15),

similar to that of Baecker, but further teaches that the graphical previews, even if they

contain further groupings, are still represented by a further grouping or thumbnails

which can be accessed to view only that particular subset of items (as opposed to an entire hierarchy) (see column 13, lines 35-67 and figures 14 and 15) and the groups of elements having textual messages associated with them (see column 13, lines 35-67 and figures 14 and 15). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker and Scott before him at the time the invention was made to modify thumbnail display of Baecker to include the sub-group thumbnail representations, as did Scott. One would have been motivated to make such a combination because this provides the user with a depiction of the items all through the hierarchical arrangement without the need for drilling (though they can if desired to focus in). Baecker and Scott, however, don't teach selecting the items to appear based on a sort criteria, wherein the sort criteria selects the items based upon those which were most recently modified in some way.

Gill teaches system used for displaying a plurality of thumbnails on a background appearance, similar to that of Baecker and Scott (see column 2, line 39 through column 3, line 40 and figure 20), but further teaches selectively displaying the thumbnails based on a sort criteria specified in a header file, wherein the sort can be based on the last date of modification of a file (see column 16, lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure 20). It would have been obvious to one of ordinary skill in the art, having the teachings of Baecker, Scott, and Gil before him at the time the invention was made to modify the hierarchal thumbnail displays that extract thumbnails from images of Baecker and Scott to have ability to sort elements, as did Gil. One would have been motivated to make such a combination because the process of sorting

a list of elements is a well known in the art means of limiting/organizing a list to highlight

the desired elements. Scott further teaches particular programs for creating the

thumbnail images (JPEG compression, SWEET compression, etc.) (see column 7, lines

28-64), but Baecker Scott and Gill specifically don't teach the particular extractor being

based on the extension associated with the at least one item.

Hatanaka teaches a system which extracts reduced size images from items (see

column 1, lines 15-36 and column 2, lines 63-67), similar to that of Baecker, Scott, and

Gill, but further teaches the extraction process first recognizing the extensions of the

particular file in order to direct it to the correct thumbnail generator for the given format

(see abstract, column 1, lines 15-36, column 6, line 63 through column 7, line 11, and

figure 10) and the images having an associated textual message (see column 1, lines

24-27 and figure 11). It would have been obvious to one of ordinary skill in the art,

having the teachings of Baecker, Scott, Gill, and Hatanaka before him at the time the

invention was made to modify the hierarchal thumbnail displays that extract thumbnails

from images of Baecker, Scott, and Gill to have the same thumbnail selection based on

extensions, as did Hatanaka. One would have been motivated to make such a

combination because this provides a more accurate depiction of items on the display

customized to the particular element format.

19.   With regard to claim 5, which further teaches sizing the preview on the outer

appearance, Baecker further teaches, in column 7, lines 41-59, sizing the preview and,

in column 4, line 63 through column 5, line 7, the moving about of icon information.

20.   With regard to claim 6, which teaches determining if a graphical preview image

has previously been generated and stored, and if so, displaying the previously

generated previews, Baecker further teaches, in column 6, lines 53-60 and in column 4,

line 63 through column 5, line 7, storing small graphical images for later retrieval.

21.   With regard to claim 7, which teaches the preview being a thumbnail image of an

item contained within the container, Baecker further teaches, in column 4, lines 20-25,

lines 63-66, column 7, lines 45-47, and in figure 6, the generated image being a scaled

down replica of the actual document and being displayed on the folder.

23.   With regard to claim 17, which teaches the graphical preview being a pictorial

representation of one or more images associated with the at least one of the content

items, Baecker teaches the graphical previews representing the actual content of the

objects (see column 7, lines 10-29). Scott elaborates on these thumbnail representation

showing reduced size images of the actual content (see column 13, lines 35-67, column

7, lines 28-64, and figures 14 and 15).

24.   With regard to claim 20, which teaches the graphical preview being a pictorial

representation of one or more images associated with the at least one of any of the

collection of content items, Baecker teaches the graphical previews representing the

actual content of the objects (see column 7, lines 10-29). Scott elaborates on these

thumbnail representation showing reduced size images of the actual content (see

column 13, lines 35-67, column 7, lines 28-64, and figures 14 and 15).

(10) Response to Argument

Claims 1, 5-7, 9-12, and 15-20:

With respect to the arguments directed at the independent claims including Claims
1, 9, 15, and 16 the Appellant's arguments are focused on the limitations regarding
the displaying of graphical previews on the outer appearance of a container. More
specifically, as stated from representative Claim 1, the limitation argued is:

>   "
>
>   *locating the graphical previews on the outer appearance in a*
>   *desired location, thereby enabling a computer user to more easily identify*
>   *the contents of the container without opening the container.*
>
>   "

Since the interpretation of the limitation is the basis for the arguments, the
Examiner's interpretation is now given. The claim, as interpreted by the examiner,
pertains to a system in which displays representations of a folders contents on against a
background appearance. As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

>   "*Office personnel are to give claims their broadest reasonable*
>   *interpretation in light of the supporting disclosure. In re Morris, 127 F.3d*
>   1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the

Examiner will now explain how the teachings of the Baecker, Scott, Gill, and

Hatanaka references are within the scope of these limitations.

Baecker teaches, in column 6, line 53 through column 7, line 29 and in figure 6,

representing the actual contents of particular documents in a frame; in column 6, line 53

through column 7, line 29, column 7, lines 42-60, and in figure 6, the items being

represented by a scaled down representation of the item shown on the folder; in column

6, lines 63-66 and in figure 6, showing preview icons on the outer appearance, of an

inside representation of an icon, in the corresponding location, for each icon contained

in the folder. Baecker teaches, in column 6, line 53 through column 7, line 29 and in

figure 6, the representations being viewable without opening the files;, in column 7, lines

2-9, keeping numbers regarding the number of icons displayed and the number of icons

displayable; in column 7, lines 41-59 and column 4, line 63 through column 5, line 7,

generating a preview from the available images and storing them in memory for use by

other folders.

Baecker teaches showing icons on the outer appearance, of an insider

representation of an icon, and is supplemented by Scott who further teaches a system

that displays a hierarchy of thumbnails encompassed in a grouping (see column 13,

lines 35-67, column 2, lines 62-67, and figures 14 and 15), and further teaches that the

graphical previews, even if they contain further groupings, are still represented by a

further grouping or thumbnails which can be accessed to view only that particular

subset of items (as opposed to an entire hierarchy) (see column 13, lines 35-67 and

figures 14 and 15) and the groups of elements having textual messages associated with

them (see column 13, lines 35-67 and figures 14 and 15). Scott further teaches

particular programs for creating the thumbnail images (JPEG compression, SWEET

compression, etc.) (see column 7, lines 28-64)

Baecker and Scott are further supplemented by Gill who further teaches a

system used for displaying a plurality of thumbnails on a background appearance, (see

column 2, line 39 through column 3, line 40 and figure 20), and further teaches

selectively displaying the thumbnails based on a sort criteria specified in a header file,

wherein the sort can be based on the last date of modification of a file (see column 16,

lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure 20.

<< additionally citing Hatanaka for 1, 5-7, 16, 17, and 20 >>

Baecker Scott and Gill are further supplemented by Hatanaka who further

teaches a system which extracts reduced size images from items (see column 1, lines

15-36 and column 2, lines 63-67), and further teaches the extraction process first

recognizing the extensions of the particular file in order to direct it to the correct

thumbnail generator for the given format (see abstract, column 1, lines 15-36, column 6,

line 63 through column 7, line 11, and figure 10) and the images having an associated

textual message (see column 1, lines 24-27 and figure 11).

The examiner will now address the individual arguments and statements

made by Appellant.

(A - i) Claims 9-12 and 18

From page 12 of the Appeal Brief, from the second paragraph, the
Appellant argues that "Baecker, Scott, and Gill, alone and in combination, fail to
teach or suggest, among other things, "sorting content items that can be
graphically represented based on a sort criteria to display the sorted content
items on a background appearance for the collection of content items".

The Examiner respectfully contends that Gill teaches system used for displaying
a plurality of thumbnails [Bitmap02, DCS20_01, KodakPhotoCd01, etc.] on a
background appearance [area inside of the frame] (see column 2, line 39 through
column 3, line 40 and figure 20), similar to that of Baecker and Scott , but further
teaches selectively displaying the thumbnails based on a sort criteria specified in a
header file, wherein the sort can be based on the last date of modification of a file (see
column 16, lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure
20). Furthermore, as admitted to by the applicant, on page 8 of the Amdt., Dated
October 12, 2006, Gill teaches a palette (background area) that displays resultant
thumbnails to the user query (sort query). It would have been obvious to one of
ordinary skill in the art, having the teachings of Baecker, Scott, and Gil before him at the
time the invention was made to modify the hierarchal thumbnail displays that extract
thumbnails from images of Baecker and Scott to have ability to sort elements, as did Gil.
One would have been motivated to make such a combination because the process of

sorting a list of elements is a well known in the art means of limiting/organizing a list to

highlight the desired elements, this further provides for.

From page 12 of the Appeal Brief, from the fourth paragraph, the

Appellant argues that "Nothing in Gill Fairly teaches or suggests sorting a

collection of content items that can be graphically represented, where the

collection of content items are sorted within a container. Additionally Gill fails to

teach or suggest displaying graphical previews for the sorted collection of content

items on a background appearances."

The Examiner respectfully contends that Gill teaches, in column 16, lines 12-14,

in column 17, lines 18-25, and in column 18, lines 13-16, and in figures 11 and 20, a

sort feature that allows the user to "specify how the sequence of assets will be

displayed", and then "displays the list of returned assets sorted". Where the user can

specify to sort by "file name", "created by", etc. These items are then displayed in a

window grouping the items together, where the window serves as a container to hold

the sorted subset of items. Baecker and Scott more clearly teach this container area,

(see figure 6 of Baecker) and (see column 2,lines 50-56 and figure 14 of Scott), never

the less figures 11 and 20 of Gill are believed to teach such a container area as well

From page 13 of the Appeal Brief, from the third paragraph, the Appellant

argues that "Baecker, Scott, and Gill teach away from each other and the

invention of independent claim 9."

The Examiner respectfully contends that Baecker, Scott, and Gill all have to do with organizing folder views with visual indications of their contents, where each has the ability for a user to traverse through folders to find a desired content item. With regard to the Appellant arguing that the combination of Baecker with Scott and Gill would render Baecker unsatisfactory for its intended purpose of content based animation for all frames, the Examiner submits that this animation of contents could be implemented in each of the Scott and Gill references to show a folder opening up it's content to a user view, and further would allows for large lists to be displayed through sequencing. With regard to the combination rendering a query interface to search folders having thumbnails, this is essentially what each references is about providing queries, whether by selecting a folder to view, rooting through a hierarch, or providing sort criteria, the systems all assist a user in finding particular content items. With regard to Baecker's animation teaching away from claim 9, Baecker teaches this animation in a certain embodiment of its invention, and additional only a portion of the content items are shown at any one time, so in fact "less than all of the collection of content items" is shown at any one time. The other references further supplement this teaching (supra).

From page 14 of the Appeal Brief, from the second paragraph, the Appellant argues that unlike Baecker, Scott, and Gill, the invention of claim 9, requires displaying graphical previews of sorted content items that can be graphically represented on a background appearance based on a sort criteria".

The Examiner respectfully contends that Baecker teaches displaying graphical

indicia on a background appearance of a folder (see column 6, lines 53-66 and figure

6). Scott further teaches showing graphical previews of a selected set of folders on the

outer appearance of a container (see column 2, lines 50-67, column 13, lines 35-64,

and figure 14). Gill further teaches showing a sorted list of content items in a container

(see column 17, lines 16-44 and figures 11 and 20).

(A - ii) Claim 18

From page 15 of the Appeal Brief, from the first paragraph, the Appellant

argues that Baecker, Scott, and Gill fail to teach "wherein the graphical previews

are pictorial representations of one or more images associated with the at least

one of the content items."

The Examiner respectfully contends that Baecker teaches displaying graphical

indicia (representative of content items) on a background appearance of a folder (see

column 6, lines 53-66 and figure 6). Scott further teaches showing graphical previews

of a selected set of folders on the outer appearance of a container (see column 2, lines

50-67, column 13, lines 35-64, and figure 14). Gill further teaches showing a sorted list

of content items in a container (see column 17, lines 16-44 and figures 11 and 20).

Furthermore, the Appellant seems to admit to this teaching in the third sentence of the

second paragraph on page 15, stating "The cited portions of Scott teach thumbnail

images".

(A - iii) Claim 15

  From page 16 of the Appeal Brief, from the third paragraph, the Appellant

argues that "the query palette is not a container having a background

appearance. Moreover, Gill does not fairly teach or suggest the sorted collection

of content item is within a container having a background appearance."

  The Examiner respectfully contends that Gill teaches, in column 16, lines 12-14,

in column 17, lines 18-25, and in column 18, lines 13-16, and in figures 11 and 20, a

sort feature (query) that allows the user to "specify how the sequence of assets will be

displayed", and then "displays the list of returned assets sorted" (see figures 11 and 20).

The resultant list of items is then displayed in a window grouping the items together,

where the window serves as a container to hold the sorted subset of items. It is believe

that any window displayed on the screen has a background appearance whether it is a

color, a pattern, or even white is sets a pallet from which items displayed on top of it can

be viewed by a user, i.e. if a user sets up a black background and then displays black

text upon it, the text wouldn't be visible, yet black text on a white background would

provide an user interface a user could comprehend. Baecker and Scott further

supplement this background appearance (supra).

  From page 16 of the Appeal Brief, from the fifth paragraph, the Appellant

argues that "unlike Baecker, Scott, and Gill, the invention of independent claim

15 requires, among other things, a container with a collection of content items

that includes a background appearance that displays graphical previews of

sorted content items so that less than all of the collection of content items within

the container are presented on the background appearance."

      The Examiner respectfully contends that Scott teaches a system where only a

select subset of the total content items is shown (see column 13, lines 35-67 and figures

14 and 15), here a user is capable of zooming in or out on a selected subset of the

content items to further reveal additional content items (in figure 15 all items are not

displayed). Gill further teaches, in figures 11 and 20, all content items not being

displayed only those in the queried group. Gill further teaches displaying only so many

in the window (only a portion presented) allowing for scrolling to those not shown.

(A - iv) Claim 19

      From page 17 of the Appeal Brief, from the second paragraph, the

Appellant argues that Baecker, Scott, and Gill fail to teach "wherein the graphical

previews are pictorial representations of one or more images associated with the

at least one item".

      Examiner respectfully contends that Baecker teaches displaying graphical indicia

(representative of content items) on a background appearance of a folder (see column

6, lines 53-66 and figure 6). Scott further teaches showing pictorial representations of a

selected set of folders on the outer appearance of a container (see column 2, lines 50-

67, column 13, lines 35-64, and figure 14). Gill further teaches showing a sorted list of

thumbnail pictures of content items in a container (see column 17, lines 16-44 and

figures 11 and 20). Furthermore, the Appelant seems to admit to this teaching in the

third sentence of the second paragraph on page 15, stating "The cited portions of Scott

teach thumbnail images".

(B – i) Claims 1 and 5-7

From page 19 of the Appeal Brief, from the second paragraph, the

Appellant argues that "Nothing in Hatanaka, Baecker, Scott, and Gill alone and in

combination, teaches or suggests a thumbnail extractor that generates graphical

previews of the items in a container based on the extensions associated with

each item in a collection of items stored in the container having an outer

appearance that presents the sorted graphical previews."

The Examiner respectfully contends that Hatanaka teaches, in column 1, lines

15-20, files types being denoted by the files extension. Hatanaka further teaches, in

column 2, lines 63-67 and column 6, line 64 through column 7, line 11, a characteristic

feature extraction unit generating a representation image based on a type of the file

(where file type is represented as a file extension).

From page 20 of the Appeal Brief, from the first paragraph, the Appellant

argues that the query palette is not an outer appearance of a container for a

collection of content items, wherein the outer appearance presents graphical

previews of a desired number of items that were recently modified.

The Examiner respectfully contends that Gill teaches, in column 16, lines 12-14,

in column 17, lines 18-25, and in column 18, lines 13-16, and in figures 11 and 20, a

sort feature (query) that allows the user to "specify how the sequence of assets will be displayed", and then "displays the list of returned assets sorted" (see figures 11 and 20). The resultant list of items is then displayed in a window grouping the items together, where the window serves as a container to hold the sorted subset of items. It is believe that any window displayed on the screen has a background appearance whether it is a color, a pattern, or even white is sets a pallet from which items displayed on top of it can be viewed by a user, i.e. if a user sets up a black background and then displays black text upon it, the text wouldn't be visible, yet black text on a white background would provide an user interface a user could comprehend. Baecker and Scott further supplement this background appearance (supra).

(B - ii) Claim 17

From page 21 of the Appeal Brief, from the fourth paragraph, the Appellant argues that Baecker, Scott, Gill, and Hatanaka fail to teach "wherein the graphical previews are pictorial representations of one or more images associated with the at least one of the content items."

The Examiner respectfully contends that Baecker teaches displaying graphical indicia (representative of content items) on a background appearance of a folder (see column 6, lines 53-66 and figure 6). Scott further teaches showing graphical previews of a selected set of folders on the outer appearance of a container (see column 2, lines 50-67, column 13, lines 35-64, and figure 14). Gill further teaches showing a sorted list

of content items in a container (see column 17, lines 16-44 and figures 11 and 20).

Furthermore, the Appellant seems to admit to this teaching in the third sentence of the

second paragraph on page 15, stating "The cited portions of Scott teach thumbnail

images".

(B - iii) Claim 16

     From page 22 of the Appeal Brief, from the third paragraph, the Appellant

argues that Hatanaka, Baecker, Scott, and Gill alone and in combination, don't

teach or suggest a thumbnail extractor that generates graphical previews for a

collection of content items based on extensions associated with each content

item in the collection.

     The Examiner respectfully contends that Hatanaka teaches, in column 1, lines

15-20, files types being denoted by the files extension. Hatanaka further teaches, in

column 2, lines 63-67 and column 6, line 64 through column 7, line 11, a characteristic

feature extraction unit generating a representation image based on a type of the file

(where file type is represented as a file extension).

     From page 22 of the Appeal Brief, from the third paragraph, the Appellant

argues that Baecker, Scott, Gill, and Hatanaka don't teach , a graphical preview

generator component for sorting content items that can be graphical displayed

and for rendering graphical previews of the sorted content items on a background appearance.

The Examiner respectfully contends that Gill teaches system used for displaying a plurality of thumbnails [Bitmap02, DCS20_01, KodakPhotoCd01, etc.] on a background appearance [area inside of the frame] (see column 2, line 39 through column 3, line 40 and figure 20), similar to that of Baecker and Scott , but further teaches selectively displaying the thumbnails based on a sort criteria specified in a header file, wherein the sort can be based on the last date of modification of a file (see column 16, lines 12-14, column 17, lines 18-25 and column 18, lines 13-16 and figure 20). Furthermore, as admitted to by the applicant, on page 8 of the Amdt., Dated October 12, 2006, Gill teaches a palette (background area) that displays resultant thumbnails to the user query (sort query). Gill further teaches, in figures 11 and 20, all content items not being displayed only those in the queried group. Gill further teaches displaying only so many in the window (only a portion presented) allowing for scrolling to those not shown. Scott further teaches a system where only a select subset of the total content items is shown (see column 13, lines 35-67 and figures 14 and 15), here a user is capable of zooming in or out on a selected subset of the content items to further reveal additional content items (in figure 15 all items are not displayed).

(B – iv)

From page 24 of the Appeal Brief, from the third paragraph, the Appellant argues that Baecker, Scott, Gill, and Hatanaka fail to teach "wherein the

graphical previews are pictorial representations of one or more images

associated with the at least one item."

The Examiner respectfully contends that Baecker teaches displaying graphical

indicia (representative of content items) on a background appearance of a folder (see

column 6, lines 53-66 and figure 6). Scott further teaches showing graphical previews

of a selected set of folders on the outer appearance of a container (see column 2, lines

50-67, column 13, lines 35-64, and figure 14). Gill further teaches showing a sorted list

of content items in a container (see column 17, lines 16-44 and figures 11 and 20).

Furthermore, the Appelant seems to admit to this teaching in the third sentence of the

second paragraph on page 15, stating "The cited portions of Scott teach thumbnail

images".

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

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